

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN
ORDINANCE NO: G-20-21**

LEGISLATIVE HISTORY

HISTORIC PRESERVATION COMMISSION

PUBLIC HEARING: June 11, 2020

**RESOLUTION SUBMITTED
TO MAYOR & BOARD:** August 3, 2020

PLANNING COMMISSION

PUBLIC HEARING: July 13, 2020

**RESOLUTION SUBMITTED
TO MAYOR & BOARD:** August 3, 2020

MAYOR & BOARD OF ALDERMEN

WORKSHOP: August 12, 2020

PUBLIC HEARING: October 1, 2020

AN ORDINANCE concerning the zoning of the property located at 636 Solarex Court

FOR the purpose of amending the official zoning maps to apply the historic preservation overlay (HPO) zone while maintaining the Light Industrial (M1) base zone.

BY repealing and reenacting, with amendments,

Section 402
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

WHEREAS, the Land Management Code (LMC) of The City of Frederick (the "City") incorporates by reference the official zoning maps; and

WHEREAS, the City has the authority to designate the boundaries for sites, structures, or districts that are deemed to be of historic, archeological, or architectural significance, pursuant to the Annotated Code of Maryland, Land Use Article, § 8-105 and in accordance with LMC §§ 306 and 423; and

WHEREAS, the Historic Preservation Commission (HPC) made an application to amend the official zoning maps by applying the HPO zone to the property located at 636 Solarex Court, consisting of 2.47 acres of land, more or less, as depicted on Exhibit A (the "Property"); and

WHEREAS, the HPC held a duly advertised public hearing on June 11, 2020, and at the conclusion thereof recommended that the Board of Aldermen apply the HPO zone to the Property; and

WHEREAS, the Planning Commission held a duly advertised public hearing on July 13, 2020, and at the conclusion thereof recommended that the Board of Aldermen apply the HPO zone to the Property; and

WHEREAS, on October 1, 2020, having received the recommendations and findings of the HPC and the Planning Commission, the Board of Aldermen held a duly advertised public hearing on the proposed application of the HPO zone to the Property; and

WHEREAS, in accordance with LMC §§ 306 and 423, and based upon review and consideration of all applicable materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen hereby finds as follows:

(1) The HPO was established to safeguard the historical and cultural heritage of the City by preserving sites, structures, or districts that reflect elements of cultural, social, economic, political, archeological, or architectural history and to promote the appreciation of those sites, structures, and districts for the education and welfare of the residents of the City.

(2) The Property fulfills the criteria for designation in Section 423(d) because:

The house is a well-preserved example of a second quarter nineteenth century house of a prosperous Frederick County farmer. Transitional Federal-Greek Revival in form and decorative detailing, Linden Grove is characteristically brick with a Flemish bond façade and features boldly and elaborately decorated mantels, doors, and staircase. The quality that separates Linden Grove from other similar examples in the county is its urban character. Linden Grove has the vertical block configuration and decoration associated with city houses of the period. Several excellent examples stand in Frederick, the county seat, in the area of the old courthouse. Features Linden Grove particularly has in common with the Frederick houses are the parapet gables and dormers and the elaborated engaged columned entranceways. Linden Grove is the only documented example of this type of house outside of Frederick County's towns.

(3) The Property was listed on the National Register of Historic Places in 1987 (F-3-102) under Criterion C for its architecture and that nomination is incorporated into the HPO application.

(4) The application of the HPO to the Property is compatible with the City's 2010 Comprehensive Plan, which sets forth policies to identify, document, designate, and protect significant historic resources and to encourage the retention, enhancement, and maintenance of valuable historic resources. The Property is identified in the Comprehensive Plan as potentially eligible for HPO designation.

- (5) The application of the HPO to the Property does not result in a population change; it does not impact present and future transportation patterns; and it is compatible with existing and proposed developments.

SECTION I. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that The Code of the City of Frederick, 1966 (as amended), Appendix A, Land Management Code, Section 402, be repealed and reenacted, with amendments, by revising the official zoning maps by applying the historic preservation overlay (HPO) zone to the Property while maintaining the Light Industrial (M1) base zone, as shown on Exhibit A, attached hereto and incorporated herein by this reference.


SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN that this ordinance shall take effect on October 11, 2020 and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.


APPROVED: October 1, 2020


Michael O'Connor, Mayor

PASSED: October 1, 2020


Michael O'Connor, President
Board of Aldermen

Approved for Legal Sufficiency:


Sandra A. Nichols
City Attorney

FREDERICK

MARYLAND

Proposed HPO Zone
636 Solarex Court

EXHIBIT A

Proposed Historic
Preservation Overlay
(HPO) Zone

M1 (Light Industrial)



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Note: This map is prepared solely for the purpose of illustrating the City of Frederick. It should be used for no other purposes. Data on this map was prepared from several original sources and is subject to change as source data changes. This map is not a legal document. Aerial Imagery, December 2018.

